



Second Study Commission
Civil law and procedure

Meeting in Taipei, November 1999

Final Report

CONSEQUENCES OF BREACH OF CONTRACT

The subject of the work of the 2nd study commission was "Consequences of breach of contract". 31 written reports had been submitted by the members of the commission for the preparation of the general report, 22 of these were taken into consideration. The delegates from 33 nations were present. The general report by the president was adopted.

The discussions in the commission covered the following matters in particular:

Legal means for ensuring compensation for the party injured by the breach of contract.

The position of consumers in case of breach of contract. The problems arising in light of the increase of cross-border consumer transactions by the new means of communication (e.g. internet).

The need to adapt the existing international conventions to that type of contract.

The commission unanimously adopted the following

CONCLUSIONS

1) It is desirable that a legal system provides means for ensuring that contracts are duly performed and, when that has become impossible, effective remedies, such as damages, for compensating the party injured by the breach.

2) It is also desirable that legal systems provide particular means for protecting consumers, while endeavouring to avoid overcomplexity in consumer protection.

3) The increase in cross-border consumer transactions and international consumer transactions by internet makes it desirable that means of providing consumer protection in such transactions be further studied and developed.

4) To that end international norms, such as the Vienna Convention on the International Sales of goods, might appropriately be reviewed.

Subject for next year:

The law relating to any duty on a medical practitioner to inform a patient of the nature and consequences of an operation or treatment before obtaining the patient's consent.